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ABSTRACT

Ideas and information gathered from eight monthly seminars focusing on issues related to rights of youths are presented here. The topics that are covered are as follows: what it means to be regarded as a person, a definitive look at moral and legal rights, adult and youth rights, the rights of youth to be regarded as persons in schools and in families, the right of youth to be regarded as persons having access to confidential services, the right of youth to be regarded as persons in court, due process, right to treatment, implementing the right to treatment, and ways to further youth's right to be regarded as persons. A suggested reading list is provided. (AM)

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YOUTH'S RIGHTS

to be regarded as persons

CENTER FOR YOUTH DEVELOPMENT AND RESEARCH
UNIVERSITY OF MINNESOTA

Center for Youth Development and Research
University of Minnesota

Seminar Series No. 6 August, 1975

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TABLE OF CONTENTS

Introduction 5

Editorial note 8

I. What it Means to be Regarded as a Person . . 9

II. A Definitive Look at Moral and Legal Rights 13

III. Adult and Youth Rights – How Equal? . . . 17

IV. The Right of Youth to be Regarded as Persons in Families 25

V. The Right of Youth to be Regarded as Persons in School 30

VI. The Right of Youth to be Regarded as Persons Having Access to Confidential Services 32

VII. The Right of Youth to be Regarded as Persons in Court 33

Due Process 33

Right to Treatment 38

Implementing the Right to Treatment . . 42

VIII. Ways to Further Youth's Right to be Regarded as Persons 45

Suggested Reading List 49

Staff List 52

Advisory Committee 52

INTRODUCTION

For six years the Center for Youth Development and Research has sponsored monthly seminars. During each academic year, these sessions focus on a general topic related to youth. Because the Center encourages an interdisciplinary approach, those who participate come from many areas of the University community, faculty as well as students; and because we believe in a close alliance and on-going exchange between those who research and gather knowledge, those who teach, and those who are in direct practice, many participants come from the community at large. All have a mutual interest in young people.

This publication is the Center's way of sharing, in what we hope is an informative and practical style, the substance, the most exciting and stimulating discussions of our meetings. Please remember, this is not an edited transcript, but rather a freer drawing together of ideas and highlights. Our hope is that this booklet will be helpful in stimulating more discussion and will enrich our work with and understanding of youth.

Our focus during 1974-75 was on the issues related to the rights of youth. We were delighted to be faced with a very practical problem this year. Interest in these sessions was so great that we needed a room twice the size of the one we had used for the past five years to accommodate all of those who came. Evidently, the topic was particularly timely. Moreover, those who addressed the issues did so by providing us with an unusually rich background and by looking very directly at the hard, controversial questions. Let me introduce our speakers in this series:

Patricia Wald, Staff Attorney of the Mental Health Law Project, Washington, D.C.

Jack Wallinga, M.D., Director of Child Psychiatry, Children's Health Center & Hospital, Minneapolis

Richard Hey, Professor & Head, Family Social Science Department, University of Minnesota, St. Paul

Robert Levy, Professor, Law School, University of Minnesota, Minneapolis

Jay Lindgren, Director, PORT Group Home Project, Rochester

Peggy Nordseth, Student, University College, University of Minnesota, Minneapolis
Cliff Hooker, Professor, Department of Educational Administration, University of Minnesota, St. Paul
Barry Feld, Professor, Law School, University of Minnesota, Minneapolis
T. Williams, Ombudsman for Corrections, State Department of Corrections, St. Paul
Norman Sprinthall, Professor, Department of Psychoeducational Studies, University of Minnesota, Minneapolis
Susanne Sedgwick, Judge, District Court of Hennepin County, Family Division
Patricia Belois, Attorney, Public Defender in Hennepin County Juvenile Court
Gisela Konopka, Director & Professor, Center for Youth Development and Research, University of Minnesota, St. Paul
Don Marshall, Professor, Law School, University of Minnesota, Minneapolis

Furthermore, you should know something of the wide variety of backgrounds of those who attended our sessions and participated in discussions. The average attendance this year was 45 people per session. Those community agencies and groups represented were:

COMMUNITY AGENCIES AND SERVICES:

Arlington House
Augsburg College of Social Work
Big Brothers, Inc.
Boys Club of Minneapolis
Capitol Community Services
Community Health & Welfare Council
Girl Scouts of St. Croix Valley
Greater Minneapolis Girl Scout Council
Hennepin County Court Services
Intensive Tutoring Project, Wilder Foundation
Jerry Gamble Boys Club
Jewish Family & Children's Service
LAMP Youth Project
League of Women Voters
Lind School
Maria Group Home
Minneapolis Family & Children's Service
Minneapolis Public Schools
Minnesota Department of Corrections
Minnesota Department of Education
Minnesota Department of Health
Minnesota Department of Manpower Services
Minnesota Montessori Foundation

Minnesota Resource Center for Social Work Education, Augsburg College
Native American Youth
Olson Junior High School
Operation de Novo
Ramsey County Court Services
St. Paul American Indian Center
The Enablers, Inc.
Urban Coalition of Minneapolis
W. 7th St. Community Center
Walk-in Counseling Center, Inc.
Wilson Junior High School
Youth Action

UNIVERSITY UNITS:

College of Biological Sciences
College of Education
College of Home Economics
Continuing Education in Social Work
Delinquency Control
Department of Family Social Science
4-H
General College
Institute of Child Development
Law School
Office of Career Development
Office of Student Affairs
School of Nursing
School of Public Health
School of Social Work
Student Life Studies
University Personnel Department

There are a few more things I would like to say before we begin. First, a great deal has been written and discussed about children's rights. We realize that in the strictest sense one is legally a child until the age of 18. However, our focus is deliberately on that age group we call "youth," approximately twelve years until eighteen to twenty-three years. We do this because we wish to create a special awareness of the rights issues of adolescents and young people. It is a myth that only young children are abused or treated disrespectfully. Our work continually shows the problems confronting young people and their stake in rights.

Secondly, by concentrating on rights, we do not intend to convey that we believe rights are the only, or even the most important part of youth's relationships to other persons or to society. Certainly rights are only a part of how people respond to each other. Mutual respect, love, loyalty, feelings of responsibility are all important. We need to emphasize this perspective.

Finally, I wish to stress that this publication is not a manifesto, not a document promoting a particular consensus or course of action. Nor is it a broad survey of all the literature on the subject, although we acknowledge many perti-

nent resources. Rather, we share seminars with you which were designed as open forums for discussion in which diverse opinions were encouraged and the vast complexities of the issues were not diluted. You may come to terms in your own way with what you are about to read.

As in the past, we are indebted to *Nancy Belbas* for her work in writing/editing this publication.

Gisela Konopka, D.S.W.
Director and Professor
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EDITORIAL NOTE. . . . .

The following presentation of ideas and information was gathered from eight monthly seminars. To provide continuity and conciseness to this publication, I have taken editorial license with the transcripts of those meetings. In some instances participants' comments from several separate but related discussions have been combined. In other cases, I have taken the liberty of summarizing concepts and data.

Hopefully, the participants will find this format acceptable and, along with other readers, will recognize how greatly their individual contributions added to the scope and depth of our discussion.

Nancy Belbas, Writer/Editor

YOUTH'S RIGHTS

to be regarded as persons

I. WHAT IT MEANS TO BE REGARDED AS A PERSON

The right to be regarded as a person is used again and again in contemporary discussions and articles on the rights of youth. In some ways the phrase seems obvious and self-explanatory in the context of today's culture. But is it? In reality, what we mean by considering youth as human beings has many implications which we find provocative and far from simplistic.

First this view signifies a turning away from a status historically conferred upon youth: that of chattel, of obedient, subservient child, a lesser in families, as well as in society. Patricia Wald detailed this historical position in her presentation which the Center's *Quarterly Focus,* published in January 1975.

However, rather than concentrating on what we wish to abandon as a beginning to this discussion of the rights of youth, let's look instead at what it means to be regarded as "a person," Gisela Konopka contributed to this examination by helping us define those common and special characteristics of all human beings.

First, Konopka suggested, every human being is a singular entity, unique and different from other human beings. We can never legitimately generalize about *The* Adolescent, *The* Youth, but rather help direct the development of each person toward his/her individuality, discovering the uniqueness in each person.

Secondly, while each of us is unique, human beings share some common characteristics. For example. . .

. . .We are capable of change and do change continually. In youth this change is particularly rapid.

. . .We are interdependent. We cannot live alone, work alone. This interdependence is both among people and between people and their environment, the non-human forces which shape us, all the things which impinge on our lives such as where we live.

. . .We all need self-respect, to be significant to someone to fulfill ourselves. Someone once said that self-respect is the survival of the soul, the touchstone of everything we must safeguard within the human being. And we agree.

Are the needs and characteristics of adults and youth identical or should something more be said about young people? Until the beginning of the 20th century there was no concept of adolescence as a special developmental stage; in fact, there was no concept of children. Even today the period of adolescence is still looked upon with much ambivalence by adult society. Most frequently, it is perceived as part of childhood or a transition period with no special characteristics of its own. To many, adolescents are troublesome "pre-adults."

However, we know from research and from practice that adolescents are not merely pre-parents, pre-workers, pre-adults, but human beings participating in the activities in the world around them at a certain developmental stage. Insofar as they are like human beings in general, youth share basic needs: food, sexual outlets, clothing, shelter, as well as the need for love, recognition, inner fulfillment. But what are the special needs of youth as we see them?

. . .Biologically, the need for understanding of one's sexualty.

. . .Psychologically, sociologically, the need to come to terms with one's relationships to others by withdrawing from benevolent adult protection and experiencing increased self-consciousness, moving towards defining oneself as a separate being. Adolescence is a time of re-evaluation of one's values and of experimenting with one's ideas and behavior in the process of that evaluation.

Moreover, we not only have knowledge of the characteristics and needs of youth, but of the capabilities, as well:

Sprinthall: We have learned from the research of Jean Piaget and Lawrence Kohlberg that youth have the capacity and in fact do think about questions of justice, morality, and fairness. Kohlberg has outlined six quantitatively different stages of moral development, beginning with a stage at which one operates from fear of authority and power through "ascending" stages to the "highest" level at which one is guided by a few universal principles – empathy, trust, and mutual respect for life above property.

These stages emerged from interviews with thousands of adolescents. While it is not possible to consistently match age with stage of moral development, it

is clear from these studies that youth are not mindless or empty headed in their thinking about moral dilemmas. Rather, there is a system of thought which is employed from very early ages in thinking through and resolving human dilemmas to which there are no easy answers.

(Last year's Center seminar monograph, *Dimensions of Conflict for Youth*, reported on the research of June Tapp on the legal socialization of youth and underlines the same conclusions.)

However, beyond our knowledge and perceptions of youth and human nature, we must also clarify those social and cultural values and goals which respond to human needs, modifying and shaping what human beings become. Both individual and cultural values are decisive in rights issues and it is crucial that we remain conscious of the inter-relatedness.

Konopka: As an example of why we must keep in mind what we want as a Society, we need only look at the way the Nazis and other very authoritarian governments have tried to shape societies. Don't think they didn't know about the characteristics and needs of human beings. They certainly did. Because the aim of that society was power over all the people, the goal of education and of all those who worked with youth was to curb curiosity, destroy self-direction and assertiveness. In subtle ways we all carry this heritage with us to some extent.

But if we take a culture which has as its goal that people should have a sense of significance, fulfillment, self-respect, then we can translate these values into something which should happen. For instance, young people ought to have the opportunity. . .

. . .To participate as equals within families, at work, within society. People are not born knowing how to make decisions and must gain experience, learn how to weigh alternatives and make choices.

. . .To think about themselves in relation to others, to find out how they are different, how they are the same as others. What is their identity? How do they like themselves?

. . .To discuss conflicting values, to experiment and "try on" roles, ideas, relationships. Educators and those who work with youth have a special part to play in this development.

For a moment now, let's step back from these goals and values and look at one perception of the realities of being young.

Wald: A child, of course, has no say about when or where or to whom he will be born; indeed, if he will be born at all. He cannot control whether he will be a wanted child. At birth, his parents can place him for adoption; if he is handicapped, they can institutionalize him; in severe cases, they (and the doctors) can covertly agree to let him die. If his family neglects or abuses him, he may be able to complain to another adult, but he cannot take legal action by himself or even leave home legitimately. He goes to the school his parents (or the state) pick, even if he must leave home and neighborhood. Sick or troubled, he still cannot seek medical or psychiatric care without parental consent. If he works, he must hand over his wages. There are severe limits on what he can buy or invest without permission; he has no credit rating. His parents can select his religion, his friends, his clothing. They can regulate when he stays in and when he goes out. If his parents abandon, abuse or neglect him, he will be delivered to foster parents or to an institutional supervisor with quasi-parental authority. In school, the teacher and principal become parent figures. In the hospital or doctor's office, no one asks his consent to serious surgery, mind-altering drugs, painful medical procedures, even to becoming a subject in outright medical experimentation with long-term risks to health. He cannot control his access to his room, his school locker, his school or medical records, despite their potential for foreclosing options in his later life; often he has no access to those records himself.

These are the legal disabilities placed upon children and youth.

We fully realize this is not the way it is for all adolescents. Not all parents keep wages earned by their children, select the clothing or friends of their children, as examples. However, legally, this is their choice. In a society which often regards itself as permissive and child-oriented, the legal realities of being young offer startling evidence on the other side of the ledger that this is not so. As evidence, Wald also points to our inconsistent national policies on food, day care, schools, welfare, medical allowances for youth and budget policies which do not address the fact that 40% of the poor in this country are children.

The discrepancy between our goals derived from what we know about youth and these realities is what has led to our concern for the rights of youth. In a general sense, the right to be regarded as a person is not a sanction youth has enjoyed, as we might have imagined it was. Keeping in mind our ethical commitments, our values and our knowledge of youth, let's take a closer look at rights themselves.

II. A DEFINITIVE LOOK AT MORAL AND LEGAL RIGHTS

There are two kinds of rights, moral and legal. In the discussion of the differences and inter-relationships, we are drawing from the presentation of Barry Feld and related discussion:

Feld: For purposes of distinguishing legal and moral rights, a lawyer would say, if asked, that a legal right is something which is enforceable in court, a right which creates a cause of action, certain obligations on certain parties and claims to certain kinds of resources. A legal claim uses the power of the state to remedy an abuse of rights, a remedy such as paying damages or imprisonment. On the other hand, an example of moral rights is what is contained in the U.N. Declaration which states that everyone should have an adequate diet, the right to education, the right to a whole variety of affirmative things which ought to be available to people. A moral right is a determination made with some reference to an ethical code. It's a general proposition in terms of a particular set of values, in terms of a particular ethical framework. "This is a good thing" or something which ought to happen, to which everyone is entitled.

Wald: An example of a moral right is what I call the child's right to moral due process, the right to be heard, to know, to comprehend, to challenge, to participate meaningfully in all decisions that vitally affect one's life. The implications of this right to participate pervade a child's entire existence and from my point of view should apply from the age at which a child first talks, listens and begins to understand.

Konopka: And I would offer others which apply to all youth: the right to education in the widest sense; the right for experimentation in various aspects of life as

long as it does not harm others; the right to a healthy environment, with one's own family or some substitute for it.

Feld: Those are all relevant examples of moral rights. In contrast, legal rights are much more modest, less expansive and simply say that in a particular instance there is some enforcement for one's claim.

Levy: And I, for one, strongly favor creating legal rights for youth which are so mechanistic, so structured that the personal arbitrariness and biases of those who administer these rights is severely limited. We will have to explore this further when we talk about the court and the family. Suffice to say here, that as far as I am concerned legal and anthropoligical research empirically proves that where reasonably well functioning people and families are concerned, judges inevitably make worse decisions than parents regarding what is wise for families. This is the reason for my wanting to limit youth's legal rights to such issues as access to medical and psychiatric services, sterilizations, involuntary commitments, institutionalizing the retarded, treatment for venereal disease, abortions. I am opposed to the courts enforcing more general moral rights.

Wald: However, I feel that when poverty is the cause of the denial of basic moral rights, they will have to be translated into legal rights before they become effective.

Williams: Legal rights must also be seen as moral rights, as far as I am concerned. And, in fact, the violation of a moral right may be much more detrimental and devastating to a young person than the violation of a legal right, because in the final analysis there very well might be a remedy to the legal violation in court. However, moral and legal rights are often defined and enforced by the community, the constituency. We must never forget that youth do not have an organized constituency. Take this example. A young man I know was arrested in North Minneapolis for loitering. He was taken to Police Headquarters. Charges were dropped after he was allowed to call his mother to collaborate this story. He had been showing a friend the building site of his new home. His legal right, freedom of movement, was violated but the issue was moral and political. This happens frequently.

Feld: There is obviously a great deal of relationship between these ethical "oughts" embodied in general notions of morality or moral obligations and the legal code. This has been a great source of legal argument for several hundred years: To what extent ought morality be embodied in a legally enforceable mechanism?

Comment: It seems that so often when we use the word "right" we talk in terms of absolutes. Must we not constantly remind ourselves that all of these rights are really very culture-bound, time-bound from one period to another? Rights are very much a spinning out of a number of value systems, are they not?

Feld: You are right. When we talk about the creation of enforceable legal rights, we are talking primarily about the activity that legislatures engage in and that is making choices between alternative value considerations, balancing political issues, resource allocations, relative claims, "oughts". These are explicit value choices. Balancing these choices in the case of rights of youth involves an understanding of the interests of the state, of the family, and of the child. Generally. . .

. . .*The state* has an interest in preventing harmful consequences to its citizens. This is to say there is a minimum below which people, youth shall not be allowed to fall. In a sense there is a higher standard when we talk about children than we use when we are talking about adults. On the other hand, the state also has some interest in maximizing freedom, maximizing the social good. There is obviously a tension between preventing harmful consequences and maximizing freedom.

. . .In talking about *the family* interests, in a society where there is pluralism and diversity, as long as the family's behavior is neither harmful or neglectful, the family's interest lies in being left alone. This is the right to freedom. The family also has an interest in bringing up children as they see fit, so long as it's not inconsistent with the state's interests in preventing harmful consequences and so long as what they are trying to do doesn't conflict with certain other interests of the child.

. . .*The child's* interests are in terms of nurturance, support, successful socialization experience, which will develop a basic stability. There is a tension between these rights and the child's interest in becoming an independent, autonomous person who has the right to individual integrity, the right to make choices and to

learn how to deal with the consequences of those choices.

These may seem like abstract, intellectual concepts until we apply them to these very real, very complicated rights issues:

A fourteen year old girl is pregnant. She goes to a doctor who can legally terminate her pregnancy, as for an adult in the same situation. However, this fourteen year old girl says she wants to keep her child. What are the parents' rights? They may say, "No, you can't impose this burden on us. We will be ultimately responsible for raising your baby. This will create a variety of emotional and financial handicaps for us." Do the parents have recourse to seek state relief or an enforceable right to terminate the pregnancy? This is a hard question.

Sedgwick: For me this raises questions about whether in some ways children, babies are still considered property. I, too see girls in court who have kept their children. Many wish to have their babies adopted when they are two and three years old. From my observations and from those of case workers who deal with these adolescents, it seems these girls have often deliberately become pregnant to meet some of their immature needs for emotional gratification, for love, for an escape from home or school, or because they are caught up with drugs. I worry because older children are much more difficult to place for adoption and I wonder about the rights of the baby in this instance.

Wallinga: I think the question is whose rights do we protect: The rights of a pregnant adolescent – who conceives either rationally or is motivated by angry, defiant wishes, conflict, or unconscious needs – or the unborn baby? I think, in fact, even unborn infants have the right to a nutritionally adequate, drug free pre-natal experience, which we know can be essential to later healthy development. I also feel youngsters have the right to a warm, affectionate, nurturing early environment, with perhaps two emotionally healthy parents and all that conveys to an infant. How can we protect both sets of rights – that of the mother and of the child – in that kind of setting? This is just one of the dilemmas to which we need to address ourselves.

Another dilemma which concerns me is this one. Do children have the right to a normal, meaningful life or

just to an existence? With modern medicine, many children born with serious physical handicaps now survive who previously would have died. We see many premature infants with serious congenital malformations who can be helped to survive but I can't say they thrive. That's progress? To me this is a very troubling ethical issue.

Feld: To give another example in a very different area. I have no trouble in terms of my values and interests in saying that youth's First Amendment freedoms – of association, of speech – should not be restricted by the state. It seems clear to me that if the First Amendment means anything, there should be no obstacles in the way of children enjoying the same rights as adults. The question becomes more difficult, however, when posed this way. Adults have access to pornographic material. Should a nine year old be able to see *Deep Throat* on his own initiative? Is there anything about being nine that might make us judge this situation differently than we would for a 12, 14 or 21 year old?

Konopka: Again, I think we are back to whether or not we can generalize about the emotional maturity of youth at various ages. I find this very difficult to do. Perhaps the availability of *Deep Throat* to a nine year old is an extreme example, but my values are such that access to pornographic materials doesn't alarm me because I see it as part of the value testing and experimentation process that adolescents need. I do think that early moral and aesthetic education will help people to make reasonable choices.

Which brings us to another major issue: To what extent should adult and children's rights be the same? In what ways should they be different?

III. ADULT AND YOUTH RIGHTS – HOW EQUAL?

Hopefully, there is some agreement that regarding the most basic moral rights, the right to have our most necessary needs fulfilled, there should be as Jack Wallinga said, "No cutoff between youth and adults because these rights simply belong to the category of human beings."

There are areas of legal rights in which youth and

adults also have equal rights. The Gault decision mandated the right to due process. This opinion has had a direct effect on the protection of the rights of juveniles during the adjudication process: the right to an advocate, to legal counsel, was guaranteed in these proceedings and will be examined in later sections. There are also due process rights in such civil proceedings as custody cases.

There are certain areas in which legislatures and courts have said that youth have greater rights than adults. For example, welfare benefits and subsidies for education might be cited. This is in keeping with our understanding that youth have, because of age, certain particular needs which differ from those of adults, and that they also have certain disabilities because of age: less independence, less mobility, more people with power over their lives.

However, examining those legal rights conferred upon youth when they reach the age of majority, one is confronted with what Bob Levy terms a "false dichotomy between adulthood and youth." From the issue of legal age definitions evolves further discussion of those areas in which what rights at what ages are more indefinite.

Levy: You may not know how the age of majority came to be 21. In the Commonwealth of England there were a whole variety of ages of majority during the period of feudal tenures. The youngest age was 14. However, 21 was the age of majority for what was known as "knight service." That was because young men couldn't wear armor at a younger age; they weren't big enough. The law of gentlemen of the upper class became the law for everyone.

Hey: I have rejected the notion of a chronological age definition because of what we know about moral and psychological development, to refer back again to the research of Piaget and Kohlberg. What they have shown is that the capacity to treat people on a reciprocal basis is not dependent on age at all.

Feld: However, we are still faced with drawing some lines on an actuarial basis for legal reasons. There will always be the problem of imposing certain kinds of disabilities on youth because their peers lack judgment.

Levy: And I, for one, would rather have those rules highly mechanical and made on some actuarial basis,

knowing we are going to be false on either side of the line, inevitably. There must be an age at which someone can say something about what a young person and/or parents can or cannot do. I think we have to take into account that there is going to be a period, psychologically, when a youth is going to demand discretion only as a way of proving that he/she really cannot exercise it. There is both a legal and psychological reality to take into account.

Wald: However, in a positive sense, the fact of lowering the age of majority, however arbitrary that definition of age, has created some important new rights. For example, 18 year olds can vote; college students can sometimes contract for educational loans, auto repairs, and insurance. Because of other enabling legislation, in some places adolescents can seek VD and drug treatment on their own; youth over twelve are sometimes consulted by judges in custody fights.

Nordseth: Nonetheless, to refer back to what T. Williams said about the moral and political environment in which rights are enforced, I don't feel the age of majority ruling changed adults' perception of me at all. I am no more capable or less immature in the eyes of most adults because three years has been eliminated from the voting age. No one looks at me now and says, "Now Peggy's an adult."

Levy: Perhaps part of what you are experiencing is that as a society we aren't clear about our attitude toward youth and their rights. I have helped draft what is known as the Uniform Marriage and Divorce Act for the National Conference on Uniform State Laws, a group of lawyers, judges and professors committed to making laws uniform throughout the country. My attempt was to lower the age at which young persons could marry to 18 without parental permission and 16 with permission, a reasonably arbitrary age determination. A great many of these lawyers were violently opposed to lowering the age of parental permission. Aside from anything this may have said about whether we are engaged in a war against youth in our society, I think it underlines the very strong notion among a very large body of our population that youth should really be more dependent than they are up to later ages.

Nordseth: Another example of that same attitude came to me in my work on a student rights publication sponsored by the Minneapolis Public Schools. When it merely dealt with rights, adults began protesting, "Don't tell those young people they only have rights. Make them remember their responsibilities." To me it's a matter of adults believing they ought to have power over younger people. Not only do they assign us rights; adults also want to define our responsibilities.

Comment: It seems to me that responsibilities are just part of living in a civilized world. If you have a right, you also have the responsibility to use that right in a responsible way. The two naturally go together.

Konopka: Of course, freedom, whether for adults or youth, is never absolute. It is always limited by the freedom of others. The moment one accepts rights, one has the responsibility to consider the integrity, the rights of others and to act accordingly.

Nordseth: I don't disagree and I don't put down responsibilities. To have responsibility is to have power. I simply object to the way it happens.

Konopka: Again, I hear the need for participation in decision-making and the resentment of youth when they feel they are not dealt with as equals in negotiation. I see participation itself as a responsibility, not a privilege.

Sedgwick: I was aware of some of the same undercurrents of doubt and ambivalence in two recent instances. First, I found the kinds of issues being discussed particularly by the press at the time of the lowering of the age of majority to 18 very disturbing but revealing. The uproar and concern was almost totally centered on the drinking issue. Very little attention was paid to the other legal issues, such as entering into binding contracts. I know for a fact from my work at the legal assistance office that contracts are a troublesome area for many youth. Yet, there was no mention, no preparation of either adults or youth for the change in these legal realities. I think this reflects a distrust of youth's capabilities.

Secondly, I was part of a panel recently which answered the legal questions of students at a suburban high school. Interest was particularly high on the issue of keeping one's wages as a minor. I was astounded by

the number of students affected by parental decisions that every penny earned by their teenager should go into the bank, instead of for the bike or kind of clothing the young person wanted to buy. In the final analysis, after three hours of intense discussion on only a few questions, the prosecuting attorney, who was part of the panel, and I felt that youth, in fact, have very few legal rights. The police chief stated he felt youth had too many rights. I think therein lies the question and the problem.

Wald: To refer back to your comment about youth's responsibilities in contractual agreements, it seems to me that we need to do a better job of helping youth understand some of their legal responsibilities. And I think youth can quite legitimately be compelled to comply to certain responsibilities: to attain a certain degree of literacy before leaving school; to obey the laws of the community; to be held for contracts, financial or employment, assuming they are not exploitative; to obey certain rules of the house, if they live at home.

However, I feel that questions about our ambivalence towards youth's rights must also be asked in relation to whether we should retain some of society's existing powers to protect youth. Perhaps we need a general review of our wide-ranging so-called protective laws and customs to insure that the dangers of freedom are real and not a phantom device for imposing our own will on younger people.

Konopka: From my point of view, I do think we have to look more realistically at what we call the "good old days." There is a myth that protective labor laws and compulsory education are the villains which have deprived young people of their position as equals in society. From what I know, historically, children were treated like adults – adult slaves. They were the property of the "master" when they were apprentices and were exploited as cheap labor.

Wald: Yet, often youth's welfare can be protected not by forbidding them certain choices, but rather by insisting that those who present them the choice observe a special level of consideration and care for youth. Thus, allowing youth to work before 16 need not free employers to use them in jobs that overtax their strength or expose them to undue hazards for their age. The

same protections can be offered by regulating those who offer contractual arrangements.

At first glance this may seem merely a variation on doubts about youth's rational capability, but actually I think there is something more involved. A positive goal of any youth's rights movement should be to contribute to the development of healthy, independent, responsible adults. Increased opportunities to learn from experience, to experiment, to succeed and fail should enhance the development of a young person's judgment-making ability. Yet, even rational, enlightened adults sometimes make tragic errors of judgment whose effects they must live with the rest of their lives. Should we not want to spare young people from making mistakes with irreversible or profoundly scarring consequences? On such grounds society probably should set a minimal age for youth's right to make certain decisions with extremely serious consequences, such as marrying, the use of drugs, sterilization, hitchhiking, living without adult supervision.

Wallinga: I would like to raise two questions regarding the protection of youth at this point. We know that depression is pretty common in adolescents. In fact, it is prevalent, among the most frequent causes of death in adolescence and early adulthood. How actively do we intervene with the individual who doesn't want help or protection? Do we allow people the right to fail in this sense? I realize this is an extreme example, but it is worth consideration

My second concern responds to your reference to the use of drugs. Obviously street drugs are very self-destructive. We can educate and legislate, but let's remember that every society in history has had its own narcotic and drugs probably won't disappear. What are the rights of youth to use drugs with all of the consequences, even if their motivation is in a sense the healthy searching for identity or for escape from unpleasant reality? Sometimes there is a conflict between our "protection" and the right to experiment and we need to be aware of this.

Konopka: I think you have raised a very difficult, but important point. One significant part of adolescence is experimentation. The thinking of proponents of the idea that in this respect young people are different from adults was best expressed by the child analyst, Erik Erikson, who was a participant at a meeting I attended

recently. He spoke of the fact that certain youthful, delinquent acts such as running away or even stealing are sometimes signs of the developing strength in these young people and have a different meaning than in adulthood. Often it is difficult to draw the line between what is an acceptable part of what we might call the adolescent moratorium and when we must say, because of the destructive nature of the experimentation, "No, this must not continue."

Feld: Criminal law for hundreds of years has recognized that children, by virtue of their "infancy" cannot be held to the same standard of criminal accountability. The whole notion of an infancy defense is at least one of the primary bases of the juvenile court. Much of the motivation underlying the restrictions on youth has been some notion that we as adults are protecting youth from their own immature status.

Wald: Along with our understanding of this issue, I have to come back to the question of whether youth really are as irrational as we would sometimes believe. There is that growing body of data on human development which disputes the idea that rationality and judgment only are vested in the late teens or early twenties. There does appear to be solid evidence that children attain stabilized IQ's, that their sense of morality is well developed and their capacity to resist peer pressure and think for themselves is usually realized as much as it will ever be realized at a much younger age than we first understood.

Konopka: At the same Juvenile Justice Standards Commission meeting to which I've just referred, experts addressed the question of how moral and developmental psychology relates to the law. First, I have to say that there was really very little agreement on this issue. Secondly, it seems to me that the moral development research takes a very, very rational approach to people. To me there is a difference between thinking, reasoning about questions of justice and how one behaves. It isn't all that simple.

Feld: I agree that the issue of capacity to reason isn't the only issue. Political, social, intra-family, and psychological issues all impinge on how rights are and should be formulated and how they are used.

Wallinga: And I would add, that there are sometimes unconscious psychological conflicts which prevent all of us from time to time from acting in our best interests. We may provide guarantees for the young person's right to be heard in a custody hearing, but he/she may not be able to express needs or preferences because he/she is so emotionally torn. Or we may provide access to mental health services which youth refuse out of self-destructive wishes.

Wald: I realize that the job of tailoring rights to developmental stages sounds difficult and complex, if not impossible. And I recognize that experts do not always agree. However, I think when legislators address the task of re-defining ages of legal competency for rights they will certainly need the experience of those who work with youth and the views of youth themselves. They will also need the experience of the abused. Perhaps some of the empirical data on legal socialization, on the development of reasoning about moral issues can be useful tools, even though they are admittedly limited tools, to the political efforts of those who wish to get some rights codified into law and to parents and surrogate parents who are asked to honor those rights.

Feld: Here are some fundamental, basic questions regarding age which one can ask in respect to youth rights in many contexts:
. . .To what extent is there something inherent in childhood or youth or inherent in being any particular age that suggests a lack of sufficient wisdom, the lack of sufficient capacity to exercise the right as responsibly or as irresponsibly as adults currently exercise it?
. . .To what extent are the disabilities imposed on youth, in this instance, restricting their rights vis-a-vis the rights of adults, appropriate political value judgments? Answering this question requires a balancing of these interests of the state, the family and youth we mentioned earlier. What I am really talking about when I refer to the rights of minors is simply a notion of equality in respect to whatever it is we say adults can do.

Wald: And I would add one further basic question. . .
. . .How would we as adults respond to any rights issue if we were in danger of being young again?

24

Now we must move from a general discussion of rights issues to a more specific examination of the rights of youth in various settings: the family, schools, the courts, treatment programs. We shall also examine the right to confidential services. In each section, we will keep in mind what it means to be regarded as a person within that particular context.

IV. THE RIGHT OF YOUTH TO BE REGARDED AS PERSONS IN FAMILIES

To talk of youth's rights in families is to step on tender ground. The family's interest lies, after all, in privacy, the right to be left alone. However, certain issues which relate to family relationships have already been raised in our discussion of youth's right to be regarded as a person and these deserve further examination.

What we face in looking at the moral "oughts" for youth in families are conflicting values and even competing realities. Again, there are no easy answers. For example, how do we balance what may be a necessary parental feeling of possession of and responsibility for children against youth's needs to participate as equal members, to find their separate identities, to withdraw from adult benevolence, to better understand their sexuality, to experiment with new roles and relationships, or even, when conflicts become unbearable, to seek an outside advocate to help negotiate their own best interests? How do we balance parental need to know when something is seriously wrong or endangering to their children against youth's right to seek medical or mental health services without parental consent? Does freedom of association include keeping company which parents forbid? Going places they outlaw? Does freedom to travel mean taking unauthorized trips, playing hooky, hitting the road or staying out after hours? Does freedom of religion allow rejection of the parents' faith? These are but a few of the tensions between competing needs and values.

Added to these conflicts is the fact that while biological maturation begins earlier for youth today than previously, society enforces a longer period of dependence by insisting on educational training and credentials and by limiting opportunities for meaningful employment.

With the realization that we cannot resolve these dilemmas, let's proceed to take one of the major needs

of youth as outlined by Konopka, the need to come to terms with one's sexuality, and pursue this need in terms of what rights it might entail in respect to the family. Dick Hey outlined them for us.

Hey: The development of mature, constructive sexual attitudes and behavior is one of the major developmental tasks of adolescence. And, I might add, it is also the continuing task of adults in our society at this point in time. To learn to manage sexual drives is dependent upon the right to knowledge, not simply the kind one gets in social studies or family health. Youth have the right to know their own body functions. This begins with sex education. However, I suggest that not only have youth the right to contraceptive information, they have the right to contraceptive devices and the right to know how to use them. If, to go farther, competence in establishing and maintaining intimate relationships grows out of our drive toward relating sexually then youth have the right to privacy, the right to separate residence or a residence separate from the family. This involves the right to achieve the economic means to make this privacy possible. Further, the right which seems to me to grow out of the fact of earlier maturation is the right to establish marriages and families at earlier dates, at earlier stages. Youth have the right, then, to supportive attitudes toward marriage, rather than the punitive attitudes our society has toward youthful marrieds. Finally, youth have the right to a system of support, rather than criticism, for early parenthood.

Comment: After you have given youth their sexual freedom, the right to have babies, they are going to need apartments, lawyers, medical help, abortions. Are these young people going to be able to work and pay their own way? Or will it be welfare or mom and dad?

Levy: The law makes some distinctions in terms of payment. So long as youth is not emancipated, legally free of parental control, then parents must pay for what a youth purchases if it is something determined "necessary." This is a legislative value judgment. By and large, the approach of my colleagues and I in our formulating of youth's rights is that whenever youth are free to acquire or do, they should also be financially responsible. Parents should not be required to pay for these rights.

Comment: When we propose a bill of rights which so affects family relationships are we disregarding families which still function on the basis of mutual respect and love?

Hey: Part of my definition of love is that youth are not served well by being kept dependent for long periods of time. It seems to me that what we are talking about is the right to be an individual, the right of youth to be his/her own person. For some this might mean living at home and being supported, for others this might mean living separately. I do believe that youth have the right to be a functioning part of the family and didn't intend to suggest that I prefer the right to be separate from it.

As members of families, I believe that youth have the right to know parental and family concerns, to know how the family is allocating its resources; to know family goals and ambitions; to interact on the level of decision-making and management, to manage money, time, and energy in the protected environment of the family. I believe youth have the right to a mother and father who have a sense of worth and competence, who have the time and energy for children. I feel youth have the right to prime time with parents and other adults.

However, I need to add that the more I think about and examine the rights of youth, the more radicalized I become. I don't think youth have fared as well as they should in our society and what we may be talking about is a vast re-vamping of our cultural values.

Some of these cultural values in respect of families are codified, are embedded in court decisions and legislation. Historically, it was assumed that family stability could be maintained only if children were prohibited from challenging parental authority. When the state or Supreme Court has ruled on decisions such as those related to the right of youth to attend private schools or symbolically protest wars, it has always done so by sanctioning the right of parents to allow their children's actions. Youth were merely the pawns in those decisions. Furthermore, in Massachusetts, in the Brasher decision, the court ruled that the state is not powerless to prevent or control situations which threaten the proper functioning of the family unit as an important segment of the total society.

Just when and how the court intervenes in the business of the family is an issue of great concern in this country, and it was the subject of controversy during

27

our seminar discussions.

Wald: There may come a time when the conflict between parents and children is so irreconcilable that someone has to intervene: if parents use force against the child, bar him from the house; attempt to frustrate his efforts to live independently. In such cases, the youth as well as parents ought to be able to use the juvenile courts for resolution or enforcement of rights. The forthcoming draft of one new model juvenile court act will contain a jurisdictional provision to allow youth to do this, enforce their rights. More basically, we may need a more flexible emancipation proclamation procedure for adolescents, establishing their lawful right to move elsewhere, temporarily or permanently, without becoming wards of the court or being labeled PINS (Persons In Need of Supervision). I am not suggesting that the courts would have more business but that the courts remove themselves from enforcing parental rights and save that time for intervening at that ultimate point when parents and children cannot make it together any more.

Levy: The issue for me is whether if my wife and children do not want to move to California with me, they can put the issue before a judge and get what some consider *"an independent, arbitrated decision"* about what is wise for our family. I alluded to this before. I am violently opposed to this kind of exercise of judicial jurisdiction in family decision-making for solid legal reasons. What research shows me is that when we give judges the right to protect youth, they end up being middle class, punitive, and more interventionist than we have given them permission to be. That is to say, that if judges are allowed to take care of physically neglected or abused children, we will find that within three months they are looking for emotional neglect which is a much more subjective finding.

Konopka: But I don't think we are talking primarily about the kind of decision you used in your example. Severely abused youth are a tragic case in point. Here I cannot stand back and leave the matter up to families until the youth is emancipated. Jack Wallinga and I together saw a child who was burned because a dress had been ironed while the youngster was wearing it. Sometimes abuse is continued because of the idea that one should not interfere with the rights of parents. In

28

that case, what is the right of the young person? This is a very practical question and part of the argument for having a juvenile court.

Levy: My concern is largely that there not be intervention in on-going and fairly functional families. However, even in terms of cases of abuse and neglect, I think there are horror stories on both sides, both where the court has intervened and where it has not.

Wald: I recognize that there are many objections to the use of the court in family conflict. There are objections to allowing youth to participate, to having an advocate who might give support to the child's contentions. There are bound to be concerns that this might confuse the youth, fragment his/her loyalties, exacerbate family tensions, provide him/her with a tool he/she is incapable of handling. These arguments are also used in disputes over whether children should have juvenile court hearings before being sent to reform schools or adjudicated delinquent. Admittedly, the consequences of these decisions are more critical than what school or church a youth may attend, but if there is a lesson to learn from all rights-oriented operations, it is that real participation and power-sharing are fundamental and indispensable.

Comment: I, too, have had many occasions to work with youth in desperate situations, where a mother has beaten her children or a nine year old was raped by her 14 year old brother. I feel frustrated, not by intervention, but by how long it takes to get action in these cases.

Konopka: Actually, the court is often very careful not to take the youth from parents too quickly. Sometimes the evidence from neighbors and observers can be wrong.

Lindgren: But there are situations so desperate that one wishes for a law which might be immediately evoked. The problems of families where young people are abused is one with which I have great difficulty. Although my professional and personal inclination is often to remove the youth, there are times youngsters want to stay with even very troublesome families and must be heard.

A frequent question asked of advocates of youth's rights is whether the rights movement will undermine the family. Wald suggests not.

Wald: One of the fundamental reasons why youth's rights has emerged as a serious topic at all is the erosion in confidence in the family's ability to reliably meet all the needs of youth. This erosion has occurred presumably because of the isolation of the nuclear family, our great mobility, and the escalation of such problems as abuse, mental illness, alcoholism and suicide. I doubt that intact families whose members love and respect each other would be likely to disintegrate if there were a different allocation of rights and privileges within the family. I would wager most strong family units already allow their children the freedom we are talking about.

Wallinga: I think we would agree that most families are essentially healthy, sensitive to their youngster's needs, feelings and rights. We then find ourselves legislating for the extremes, the high risk situations.

Comment: I have some concern for whether our legal system is being asked to assume so many more functions of social control in our society that the legal system may not be able to properly bear the strains being put upon it. Are we so preoccupied with creating new rights for these additional groups that we forget the obligations and responsibilities these groups should consequently owe others?

Wald: These are significant questions. I think, to partially respond to your concerns, that one of the challenging tasks for counselors, social workers and other professionals who work with families will be to help develop new and more equal relationships inside the family without resort to outside agencies such as police or courts, to enforce parental authority. The rights and responsibilities of men and women in marriage are right now being re-examined, sometimes painfully but often constructively outside courts. Why not a similar redefinition of roles between parents and young people in families, as well?

V. THE RIGHT OF YOUTH TO BE REGARDED AS PERSONS IN SCHOOL

Unlike the family whose privacy is sanctioned by the state, schools are primarily public institutions. Consequently, rights issues in schools have often been dealt with by the courts. Cliff Hooker reminded us that in the

U.S. Constitution age is mentioned only in respect to holding public office. There is no mention of age when it comes to the Bill of Rights or any other amendments or articles. Thus, Hooker enumerated these freedoms which impact on education and are upheld constitutionally:

Hooker: The *first* is freedom of expression. Verbal expressions are protected short of those with libelous content, and symbolic acts are sanctioned if they are engaged in peacefully.

. . .The *second* is freedom of choice in dress or appearance. This right means that unless one's hair or dress style is disruptive, unsanitary, or unsafe, style is a matter of choice. I would like to offer an aside here that perhaps our over-reaction to longer hair on young men had its origins in the colonists' regulations against any imitation in style or dress of the Indian. Perhaps our attitudes toward hair have had some latent racism as their basis.

Konopka: And coming from a European background I might have guessed it was because longer hair was a symbol of class, of nobility and our more democratic nature refused to allow these symbols. You see, I think our perspective very much depends on where our values come from.

Hooker: The *third* freedom is freedom from religion. Until very recently, as you know, the reading of prayers was allowed in public schools. I myself am very influenced by Justice Douglas who wrote in a dissenting opinion that this country will cease to be free for the religious the moment it ceases to be free for the irreligious. The majority should not impose its religious practices.

. . .*Fourth* is the freedom from discrimination. We have had a long history of litigation in this area. Freedom from discrimination means that students must be allowed in school on a non-discriminatory basis. We are now being confronted not only with racial discrimination but also with sex bias issues. We are becoming aware of how rampant sexual discrimination has been in our schools.

. . .*Fifth* is the freedom to learn which is not far away from academic freedom. What this means to me is the need for more relevant programs, more participation on

behalf of the learner regarding regimentation, alternative programs, what is to be learned. Also, I would favor easier access to speakers and to printed materials of the student's choice.

Beyond these freedoms which are derived from the Bill of Rights are two recent statutes, one federal and one state, making it obligatory for public officials to notify students of their rights. A new federal law makes it incumbent upon school administrators to notify students of their right to confidentiality regarding records. Also, the new Fair Dismissal Act in Minnesota sets up a due process provision for expelling or suspending students. Now the student and his parents or guardian must be furnished a copy of the law within 24 hours after dismissal.

Once again, we need to remember that the implementation of these rights is a political issue. How is knowledge of these rights disseminated to students? What procedures are set up and what forums provided for protest? We will address some of these implementation issues in the final section of this monograph.

VI. THE RIGHT OF YOUTH TO BE REGARDED AS PERSONS HAVING ACCESS TO CONFIDENTIAL SERVICES

Several seminar presentors proposed that youth have access, on a confidential basis to medical or psychiatric help, particularly in the diagnosis of pregnancy, prenatal care, treatment for venereal disease and chemical dependency. Regarding the reality of who pays for these services, Levy suggested that parents be obliged to pay for three visits without consent. This is a beginning.

Treatment without consent is an issue in those cases where the need for parental approval would discourage treatment and in disturbed families where incest, a psychotic parent or even a fanatically moralistic one might prevent treatment. If disclosure to parents is necessary because of an emergency, Wald suggests a review by medical staff which would weigh the consequences of disclosure.

Access to confidential legal services was a less discussed issue, but is important, nonetheless. As youth become more aware of their rights, paralegal or advocacy centers may become a reality to help deal with

such problems as discrimination, working conditions, contracts and intense family conflict. In some hospitals and institutions, patients' rights are being protected by residential advocates. This model might be adaptable to school settings.

VII. THE RIGHT OF YOUTH TO BE REGARDED AS PERSONS IN COURT

Due Process

> Several years ago, a 15 year old boy was picked up and taken to the police station while his parents were at work. No notice or specification of charges were given to the youth or his parents. He was not represented by counsel until after adjudication. No record of the hearings was made; there was no confrontation of the witness against him; and hearsay statements were accepted. He got an indeterminate sentence (possibly until age 21) for allegedly having made a 'lewd phone call', a misdemeanor for which an adult (who received due process of law) might be fined from $5-$50 or serve up to two months in jail.[1]

The name of the young man in this case was Gault. In 1967 the Supreme Court decided in re Gault that procedural rules of fairness and the counsel of an attorney are the constitutional rights of an accused youth in adjudication proceedings. The 14th Amendment was cited in the ruling, the article declaring that citizens shall not be deprived of life, liberty or property without due proceedings, nor shall they be denied equal protection under the law.

Before delving into the many aspects of Gault which apply to delinquency proceedings in juvenile court, let's first touch on the applications of Gault to other kinds of court proceedings in which youth may be involved. Several related issues arise.

Sedgwick: Recently the state legislature enabled the court to provide a guardian ad litem or legal counsel to

[1] Sandord N. Katz, ed., *The Youngest Minority: Lawyers in Defense of Children*, p. 328.

represent the interests of the child in custody hearings. In some states this is being done as an extension of the Gault decision. However, having the specific provision is very helpful. The guardian ad litem serves to weigh all the factors involved in placement on behalf of the child: for example, the love, affection and other emotional ties existing between parents and child; the capacity and disposition of the competing parties to give the child love, affection and guidance, continuation of education; the ability to raise the child in its religion, creed, or culture; the capacity to provide for material and emotional needs.

What I have found is that although parents may quarrel between themselves over these issues, they do not argue with the child's attorney. This seems to prevent a great deal of bitterness and sometimes has the surprising effect of helping parents to see themselves more clearly and to begin to communicate during the cross-examination, if it is done by a competent attorney. We try to select counsel who know young people, who can talk to them and who are also, of course, "learned in the law."

Levy: I have concerns about the kinds of considerations which should be given to the influence of the legal advocate on the child. What protections should be given to protect the young person from the influence of that advocate?

Wald: I understand the problem. Who watches the watcher? This is a problem for anyone who has juveniles for clients in any setting, just as it is a problem with the mentally ill, the retarded and many other groups defined by law. Of course, I believe that the teaching of lawyers who go into that kind of work must be a sensitization process. This person cannot simply be another person telling the child how to act. People who represent youth should be required to take course work in child psychology, etc., to get some sense of their relationship in dealing with youth.

Konopka: I don't know if I have any answers, but I do think the misuse of power in the relationship of one person to another can never be prevented by simply making more laws. The only answer is the careful education of people who work with young persons. By this I mean not only an understanding, but also a deep ethical commitment. This is very basic because the moment

you give one person influence and power over another, the ethical commitment is all that holds that relationship in proper focus.

Wald: To touch on the other side of the client-counsel relationship, those who are experienced in working with youth find young people do act as responsible clients. Interestingly enough, often parents cannot be counted on to protect their children's legal rights in three-party conflicts. This is another reason I believe youth ought to have access to legal counsel and other due process rights in areas beyond delinquency and custody hearings. In other words, in situations where the interests of the young person and parents are apt to conflict and a serious adverse impact on the youth is the likely consequence of unilateral parental actions – commitment to institutions, refusal of medical treatment are two examples – the youth's interests deserve representation before a neutral decision-maker by an independent advocate.

In describing due process rights in delinquency proceedings it seems necessary and appropriate to provide some background on why the juvenile court was established in the first place. It is an outgrowth of the belief, after all, that the rights of youth and adults deserve to be different under certain circumstances. The intention of those who established the juvenile court in 1927 was to separate youth from an adult criminal system which seemed closed to change and to establish, instead, a way of working with youth which emphasized their capacity to change and their susceptability to both decent and indecent treatment.

Although the motives of those "legal revolutionaries" who established separate court proceedings were laudatory, what has actually happened under juvenile court auspices has come under sharp criticism. Until 1968, due process was not guaranteed in juvenile court proceedings. The ideal had been that adjudication be "an informal protective proceeding,"[1] not a full adversary process which is the rationale today behind not having juvenile court juries. In the eyes of juvenile courts, youth were charged with "acts of delinquency," rather than with criminal intent, recognizing a difference in culpability or degree of responsibility between youth and adults. However, the problem is that the

[1] Op. Cit., p. 12.

language of statutes which can be cited against juveniles is often vague. For example, acts of delinquency may be "using vulgar language," "indecent conduct" or "growing up in idleness" as well as status offenses such as truancy, incorrigibility, possession of alcoholic beverages and violation of the curfew. Moreover, although records of juveniles were not to be kept, just how juvenile court proceedings are sealed or destroyed varies greatly from county to county. Confidentiality has not been strictly protected.

There are many aspects of the issue of how status offenses might be handled which deserve more attention than this discussion can allow. Questions have arisen regarding whether youth charged with a status offense could be handled as dependent youth are handled. In other words, could the finding be that the family of such a young person either can not or will not meet his/her needs and thus should be directed to supportive assistance or that the youth be placed in a substitute family setting? Or, since status offenses usually are destructive only to the offender, could the services which youth might need if they were habitually truant, for example, be provided optionally by contracting with the youth for treatment from which he/she has the right to results? There is the question of whether, if status offenses were abolished, troubled youth would lose a legal bargaining tool and be charged with more serious offenses and treated more inhumanely? While it is not possible to resolve these issues, they need to be aired. We do critically question the practice of sending persons in need of supervision to institutions.

Although the Gault decision recognized youth's right to counsel during adjudication proceedings, just when a lawyer first meets with the young person charged was not made clear. One juvenile counsel described her role this way:

Belois: I function as a lawyer. I don't know anything about the youth until such time as he/she is summoned to come into court. Therefore, I missed the last four years of social workers' efforts to rehabilitate the youth. I come in after reports that the youth is being beaten, after the parents have been to marriage counselling and found their relationship irresolvable, after the alleged wrong-doing, after police may have told the victim what a horrible person this youth is. I get no history. Yet, I am dealing with a young person who is in a situation

which is probably one of the most stressful he/she has ever encountered. In fifteen minutes to half an hour the morning before the court hearing, I meet with the youth and parents to help them understand the charges and options. I try to represent the youth's best interests, apart from what may be best for him/her clinically, in terms of emotional well-being. The greatest drawback of my job is the constraint of time.

Whether counsel could meet with a youth charged with an act of delinquency at the time of intake, just after the charges are made and be avaialble through the entire process, including the treatment phase, is an issue which deserves serious consideration. It is practiced thus in many other juvenile courts.

The whole process of adjudication for a juvenile may very well be examined in light of how well it respects youth's right to be regarded as persons. One prominent feature is long delays. After a petition is filed, usually by the police, a youth is brought to the police station and either held in a detention center or released to his/her family. Next, there is a court hearing three to five months later. Parents are required to attend the hearing. Their stress is also a difficult factor. If they are embarrassed by the situation, they may be punitive toward the young person. At the preliminary hearing client meets with legal counsel and pleads guilty or not guilty in court. If the plea is guilty, the youngster is usually sent home, seen by a probation officer for a pre-sentence investigation, and appears approximately a month later for a disposition hearing. If the plea is "not guilty," the next step is pre-trial conferences between defense and prosecuting attorneys. A trial generally takes place three to five weeks after the denial. If the youth is found "not guilty" he/she is dismissed perfunctorily and without apologies for lost time or distress. Should the youth be found "guilty," he/she is again sent home for a month or detained at the detention center if the charges are serious, during which time another report is completed. A disposition hearing is then set and sentencing pronounced.

As articulated by Belois on the basis of her work in Hennepin County Juvenile Court, the rights of youth, beyond the right to legal counsel, during these proceedings are largely the same rights shared by adults. They include the right to:

. . .Be accused fairly, openly;

37

. . .Have rights clearly explained by all extensions of the court: police, probation, defenders, etc.;

. . .Understand the functions of the attorney and others with whom the defendant must deal;

. . .Deny or admit charges;

. . .Trial and appeal, all the way to the Supreme Court, if each judicial level agrees to hear the case;

. . .Be heard, to make plans and choose a course of action known to the court. The attorney tries to help the youth and court reconcile their rights and goals.

That youth are allowed most of the same rights as adults during adjudication seems just and fair. However, what happens after these proceedings, what rights youth have and should have during the treatment phase deserves further consideration.

Right to Treatment

One unique aspect of the initial concept of juvenile court was that the court would assume a quasi-parental role in its treatment of youth. In the name of parens patriae (the state as parent), training schools and reformatories were established. Later, in the 1930's, a movement to help youth deal with their emotional conflicts gained momentum. By 1969 when the implications of the Gault case were beginning to be applied to the treatment of juveniles, it seemed that many, if not all, of the original good intentions of the juvenile corrections system had been distorted and corrupted.

In the name of "treatment," "therapy" and intervention, seminar participants told of having observed these practices:

Konopka: At a seemingly "nice" girls institution two years ago, I saw girls in "latched" cells. The institution was pleased there were no locked rooms. "Latched" meant that the girl could open the door a little bit. If she wanted to go to the bathroom, she had to ask "Mama" (the house matron) for permission. After lunch and dinner we were told to keep our hands over our heads while the silverware was collected and counted. In this institution I was told there were contracts, operant conditioning; that the young women could participate in their "treatment." So I went into one of the cells and saw a contract on the wall. The girl had agreed in a signed statement that she would only go out of her cell with the person in charge; that she would be the last

person called for any meal; that she would only wear skirts; and so forth. She seemed to have a kind of pride in that document. She explained to me that the details had been worked out while she was in solitary confinement. I knew that one would agree to anything under those conditions.

Lindgren: And I have eaten in a dining room with boys at a delinquency institution where suddenly a man across the room raised his arm, blew a whistle and yelled "silence." Like the lines in the hallways, heads of the boys against the wall and the "quiet room," these practices were called "therapy," "discipline." It was not surprising to me that the boys ran from this place repeatedly. When they were apprehended they were locked in a room for 24 hours. Gradually, I began to see 11 and 12 year olds thinking like adult criminals when they may have been there for truancy. It was tragic.

Comment: When I see youth in our state institutions moved from positive peer culture programs to guided group interaction to vocational training in another institution, all without their participation in these decisions or consent in these changes, I think youth ought to have the right not to be treated.

Comment: Which is exactly what I thought *when* I discovered a group treatment home for girls which was threatening to confine a girl who chose not to talk about her feelings in a group, but rather share them with a friend in a letter. Isn't this a violation of one's First Amendment rights?

Feld: Yes, and that girl could hire a lawyer to protect her rights in that case, but it's seldom done and difficult to accomplish. I would agree with you that these are examples of treatment which one ought to have the right to refuse.

The right to treatment issue requires careful consideration. It is undoubtedly one of the areas in which the right to be regarded as a person is most abused. But is there a definition of "treatment" which is modest enough that it can escape being linked to any technology which claims to "change behavior," yet broad enough to be generally applicable. Konopka suggested such a definition: treatment is the provision in concentrated form of the healthy ingredients needed for a

39

young person to grow and develop. These are the same ingredients mentioned in the first section of this monograph, those things which should be provided to all youth in the normal course of growing up: for instance, provision of the basic needs for food, clothing, appropriate lodging, as well as the opportunities to genuinely participate in decision making, to act as a responsible member of some unit, to interact freely with peers and acquire a sense of belonging, to reflect and discover oneself either in interaction with others or alone, perhaps in writing, to discover one's values in discussions, to commit oneself irrevocably, to participate actively in learning.

The list could be very long. But these opportunities may be considered in the sense they are the emotional "vitamins" essential to development. What is the course of "treatment" for one who is physiologically malnourished? It is to take whatever supplements are needed in concentrated, enriched form. Providing those conditions which people need to survive, to thrive, to do better, to re-establish their self-esteem, is treatment.

Perhaps two aspects of this kind of treatment environment can be emphasized. One is choice, that youth be allowed to make decisions, even if those choices are defined by certain realities and restrictions. Take this example. A staff person sits with seven young people in a group within an institution. There is no pretense that these youth are there by choice. However, there is still the option of how to use the time they have together. Five of the seven want to talk together regarding their feelings about their day to day life. Two say they would rather not. However, the staff person suggests these two try the group two or three times and then decide how they feel about it. This is choice. It is also respectful of youth as persons.

The second aspect which deserves some special consideration is related to choice and that is informed consent. This means that the professional person is able to explain the choice so that it is completely understandable.

Konopka: I have an example from my work years ago. Interestingly, it concerns what we might think of today as a serious offender. The boy was eleven and known in his neighborhood as "the killer," though he had "only" injured others. By court referral, this youth came to our child guidance clinic. Testing revealed that he had great difficulty understanding spoken language. Later, we

learned he couldn't read. Someone suggested to him that he might be very angry about this. He denied it but we also knew that as the only "man" in a large family of sisters, he felt he had to maintain a masculine toughness and strength beyond his years. A staff person explained to the boy that help for his reading problems was available at the clinic. Nothing happened. Finally, almost a month later, the boy wandered in, during the middle of a school day. He said he had been lost because he couldn't read the street signs and wished to learn to read, "today." Arrangements were made by staff for him to be absent from school and remedial tutoring was begun. The boy had chosen his "treatment" out of informed consent; he knew what was available and made the decision to try it. There were no miraculous changes in his attitudes, but gradually the anger lessened.

Many people are concerned today about those youth who have committed serious offenses: murder, armed robbery, assault. In these instances, youth are often "certified" to be tried in adult court. Certification is issued if the act is of such a nature that the public interest is greatly aroused, if it looks as if the "treatment" options offered within the juvenile corrections system would be inadequate or the youth would not be "amenable" to treatment within the juvenile system. Recently public hearings were held in Hennepin County regarding the certification and treatment of serious juvenile offenders. The majority of professional expert witnesses testified that nothing was known or available in the way of treatment programs for these youth; that, consequently, they should be locked in secure facilities, some perhaps permanently.

Konopka: To say we know nothing about the treatment of the serious juvenile offender seems reactionary to me. Perhaps these youth do need to be separated from others for a time. However, to truly protect others, the present victim as well as possible future victims, we must meet the basic, humane, psychological needs of that troubled young person. Whether we like it or not, if we merely have a delinquent in confinement for five months or two years, there is absolutely no protection that anyone will be secure with that person. The incredible truth is that we have not tried providing a healthy, humane environment and we do know, from our basic understanding of people, that it is effective.

What would incorporating this kind of treatment

environment mean to our corrections system? It would mean throwing out everything which violates self respect: mass institutions, psychological manipulation and militaristic discipline. We learned from the Nazis – by watching their inhumanity – that the antidote to asocial behavior is not shame, fear, and loss of self respect. Those create asocial behavior. We have a great deal of knowledge from this period of the destructiveness of this negative approach.

Implementing the Right to Treatment

A discussion followed Konopka's presentation of the right to treatment which illustrates the legal complexities of the right to treatment issue and provides a further, seemingly classic example of the relationship between moral and legal rights. Don Marshall was the reactor.

Marshall: First, I must caution you that in talking about the adjudicated delinquent's right to treatment, we address a topic which is at the frontier of both legal and psycho-social thought. Like all frontier topics, it is one which is largely uncharted and is filled with complexities of many kinds.

While I have no trouble with the concept of treatment as the provision of an environment in which self-identification, self-expression and the satisfaction of youth's special needs are realized, I do have difficulty knowing how to deal with this as a "right." Is it a moral or legal right? Though some of my colleagues would insist that every legal right is also a moral right, that doesn't happen to be my perspective.

If we are talking about a moral right, then this definition of treatment becomes something which we might aspire to, a statement of a goal which official decision-makers and participants in the juvenile court-correctional-delinquency process should seek to achieve as they allocate their resources and set priorities. As an aspirational statement, this definition has obvious value to a legislator charged with the responsibility for allocating funds for particular programs, such as staff training and other youth services.

Konopka: Let me agree here that I believe the courts should not be alone in implementing these goals. Citizen groups, all the social professions must be part of the effort.

42

Marshall: However, if what we are referring to is a legal right, to certain factors in the treatment environment, then we are talking about a right which is supported by the coercive power of the state, exercised through the judicial system. Ordinarily, as we have said, the coercive power of the state is exercised so as to afford a remedy which will correct the deprivation of that right in individual cases. Accepting that definition of legal right, I think we have to ask certain questions about this definition of treatment:

. . .First, is such a right recognized by our legal system today? Clearly, the answer is "no." It is not recognized in the far-reaching sense of this definition, but only in the sense of protecting youth in institutions against cruel and unusual punishment such as beatings, intramuscular injections of tranquilizers for disciplinary purposes and isolation for long periods of time. This is only the right to be protected from gross abuse. However, even this represents an advance in legal rights for those who are institutionalized. Also, a smaller number of courts have recognized an affirmative right to treatment. Up until this point, however, the only definition of treatment this covers is that "treatment" should be more than warehousing or having custody of the youth. This is not what I would call a very far-reaching right at this time.

. . . Secondly, is such a right to treatment likely to be recognized by the courts in the foreseeable future? Again, the answer is "no." There are three reasons. One is the problem of institutional competence. Traditionally, courts are acutely aware of the utilitarian limits to their power. I believe they will shy away from the kind of involvement, the consuming investigation on a case by case basis which would be necessary in order to enforce this kind of right to treatment. Next, there is the problem of an adequate remedy for the deprivation of the right. An obvious remedy would be to release a youth from all restraints when he/she has been deprived of the right to treatment. That is likely to be politically and socially unacceptable. Or the courts might order an institution to create such a self-actualizing environment but that would involve the court in what might be endless disputes about what constitutes that environment and in continuous monitoring Lastly, I question whether rehabilitation has actually ever been the exclusive purpose of the juvenile system. If one examines the process in operation, I think one is compelled to

conclude that perhaps the juvenile correctional system is more concerned with deterrence and even an institutional expression of vengeance, rather than rehabilitation. This, despite the fact that research has never proven that confining juveniles is either effective primary or secondary deterrence.

. . . Finally, should there be a legal right to treatment as defined in this monograph? I don't know the answer to that most interesting question. I do have a sense that we need to proceed very cautiously before we create such a legal right. First, because the courts are unlikely to create such a right, as I have previously reasoned. Secondly, I think we need to take great care lest the *right* to treatment comes to define the *need* for treatment and comes to facilitate an intervention in the lives of children and their families which may be undesirable. The juvenile court already has, in the thinking of many of us, an unconscionably large jurisdiction to intervene; for example, status offenses. Youth need procedural protections against undue intervention. We must constantly be aware that when we do something for a young person, we are also doing something to him/her. That may involve an element of punishment, whether that is our intention or not.

Konopka: First of all, I did intend my statement regarding treatment in the sense of a moral right. I do understand the complexities of enforcing it as a legal right. However, I would be happy to have the coercive power of the state enter where there is abuse. And I don't mean totally in the sense of cruel or unusual punishment. I would like to see the concept of self respect and acknowledgment of the needs of youth translated into operational practices. The deprivation of these practices could be labelled "abuse." For example, if it is important to the healthy development of youth to have close relationships with the opposite sex, then separation for long periods of time is abusive. Or, if adolescents need to prove their own strength, develop a sense of their resources and individuality, then isolating or severely containing the institutionalized young person is abusive. Or, if strong mood swings are a part of one's emotional development, then ridiculing such changes of feeling is abusive. That is what I mean. We can act on what we know.

VIII. WAYS TO FURTHER YOUTH'S RIGHT TO BE REGARDED AS PERSONS

The complexities of implementing youth's moral and possible legal rights may seem overwhelming. However, aside from how the courts and legislatures may or may not relate to or enforce these rights, there are other practical ways the just treatment of youth can be effected. These apply to institutionalized youth but also, more broadly, to how we might enhance all youth's right to be regarded as persons. Two related factors seem to be particularly critical: the dissemination of information and the development of resources.

Dissemination of Information

Many of the problems related to the rights of youth are the same as they are for any group which has not been notified of their rights – minorities, the retarded, and women, for example. One of the first tasks, then, is to teach youth what their rights are and how to "negotiate the system," as T. Williams said. The bibliography of this publication gives some indication of the materials available and what specialized information there is which can help minors make informed choices and exercise their rights. Young people also need knowledge of the consequences of exercising their rights. If a young woman is questioning, for example, whether or not to have a baby, what should she know about parenthood, about being a mother which will help her make that choice?

Intellectual learning about rights, however, is not enough. Youth must also learn through experience how to participate, how to make decisions, how to take part in forums which focus on conflict resolution, how to think through questions of justice and fairness. Experiential learning enables youth to exercise the rights they have learned are theirs. Youth benefit from such programs as the Student-Community-Involvement Project in which they take on significant social roles in the community as part of their social studies curriculum; and from peer counselling training which teaches youth how to listen and develop empathy for others. Understanding the perspective of others is essential to understanding the responsibilities of freedom.

Adults who are closest to the development of children and youth need another kind of information.

Those who are parents and those who will be, perhaps who are now adolescents themselves, need the kinds of skills and opportunities to think through their own values and experiences so they will be better able to respect the needs of their children and create the kind of healthy environment which is critical to growth. Preparation for "emancipation" begins very, very early as parents and other adults allow youth to participate, to experiment, to discover their identities, to experience successful and unsuccessful consequences.

As adults we also need an awareness of our roles as models for how young people look at justice and laws. If we deal with youth from positions of power and say, explicitly or implicitly, that because we are bigger and have more authority, those who are young must comply; or if we use very fixed rules, then youth are unlikely to develop the capacity to deal with others on a more reciprocal basis, are unlikely to see the legal system as one which is open to change or which responds to injustices; they are unlikely to think about issues of fairness in other than simplistic ways.

A third focus of educational information regarding rights must be addressed to the public at large. If legislative change is to come about, people need to have a better understanding of the need for youth rights; they must come to terms with their values so that the courts and legislatures, in creating laws, will be declaring a majority sentiment. And legislatures may need, in some instances, to have been educated to be the forerunners in correcting social injustices. Moreover, the political and moral climate of society can be prepared, through education, to facilitate the implementation of legal rights, once they are created.

Youth, too, are demanding to have a part in this educational and change process. Peggy Nordseth reminded us that often when youth form coalitions for power to influence change, adults pejoratively dismiss these groups as dissenters or protesters. Youth need and want constructive models for participation, and until they are allowed into the system, allowed to help create their own rights, they may respond resentfully to how rights, however just, are allocated to them. As we think through together, youth and adults alike, just what rights we value, we must also clarify our goals as a society. Do we have clearly in mind what kinds of people our society needs to thrive?

The Development of Resources

The need for resources within our communities which will allow youth to make choices and think about options is well-captured in this seminar comment:

Comment: I realize we have divorce proceedings and hearings for parents who can go to court to declare their child incorrigible. But I think youth should also have the opportunity to go to someone with legal authority and ask for help during crises. I've been in situations where young people were begging parents to go for counselling and parents refuse. The children are caught. If they leave home, they can only be gone for a certain period of time before being cited for a status offense. Beyond talking about legal alternatives, how can we make it possible for young people to get out of impossible situations?

These are hard questions. Beyond foster homes, group homes, alternative living situations, we also need to look at the availability of employment so that youth can afford to live separately, if necessary or desirable. We must also consider how to make medical, mental health and legal services more accessible on a confidential basis. Wald mentioned the need to establish legal advocacy centers where grievances of youth might be aired. Konopka suggested that more services for families should be available because when treatment of young people is in cooperation with the family there is still a sense of the youth being "normal" and intact. This is just the beginning of a long list we might consider under this heading of "resources."

One resource which is critical to youth in establishing their rights is people. Because the Center for Youth Development and Research is especially involved in training those who work with youth, we would like to add something more about how we might go about finding the kinds of open, responsive individuals who are, in the final analysis, the best kind of "treatment."

Konopka: The question of how we find people who are less interested in controlling youth and more interested in freeing them is difficult. You cannot imagine how often these days I am asked about how we might better control young people.

Ideally, I would say that we must find those who have a gift. It's like being an artist: one may be trained,

but the natural qualities that make for excellence must be there. Working with people is an art and a gift. One does not find these people with a test, but by encountering them, seeing them with other people, observing how they relate to others. This doesn't mean there aren't criteria.

Secondly, there must be training. There has been a feeling the last ten years that anyone can work with people, that one needs no special skills, that one is born that way. If I have to have some knowledge to work in my garden, surely I need some special understanding when it comes to working with people. How can I dare to work with something as complex as human beings and know nothing about their nature? Here I am not saying that experience does not count. Formal training is shorthand for experience. Training widens our horizon, keeps us aware of how much there is to learn.

Thirdly, one must have a wide variety of skills to work with youth. Sometimes I think in universities we learn one thing, how to talk. I once worked with a twelve year old. I always asked him questions. "What do you think about your mother, your brothers and sisters?" All the time I talked, he drew. Finally, he turned around to me and said, "Gisa, I'm not much of a talker." That was the first time I had sense enough to look at what he'd drawn. This greater awareness of how people communicate was something I had to learn.

Last, as I mentioned earlier, I think we need and we must find others who have a deep ethical commitment to the self-respect and personal integrity of others.

We hope this long and involved discussion of the rights of youth has added to your understanding and awareness. As Aleksandr Solzhenitsyn commented in *The First Circle*...

> What is the most precious thing in the world? Not to participate in injustices. They are stronger than you. They have existed in the past and they will exist in the future. But let them not come about through you.[1]

[1] Aleksandr Solzhenitsyn, *The First Circle*, p. 343.

SUGGESTED READING LIST

Casady, Margie, "Society's Pushed-Out Children," *PSYCHOLOGY TODAY*, June 1975, pp. 57-65.

A conversation with Marian Wright Edelman, founder and director of the Children's Defense Fund. Points out various issues, such as, millions of children not in school, subjectivity of teachers, special classes as holding pens, and problems of the children's-rights movements. Suggests a strategy of first combating the myth that we are a child-centered society, then convincing people that society must accept responsibility for the welfare of its children.

Cole, Larry, *OUR CHILDREN'S KEEPERS: INSIDE AMERICA'S KID PRISONS*, Greenwich, Conn.: Fawcett Publications, Inc., 1972.

Institutions that imprison children in America are both the result and the cause of more complex and socially disastrous problems. This book is intended as "a view of those we have chosen as keepers of our children and something of the kids' view of the places where they are kept." Includes: Directory of Child Advocacy, Children's Rights, and Youth Law Centers; Bibliography for Child Advocacy

Goldstein, Joseph, Anna Freud and Albert J. Solnit, *BEYOND THE BEST INTERESTS OF THE CHILD*, N.Y.: The Free Press, 1973.

Presents basic concepts, definitions and guidelines for the relationships between children and their adult environment, as well as dealing with their changing needs during the period of growth and development. The main concern in child placement should be for "the least detrimental available alternative for safeguarding the child's growth and development."

Holt, John, *ESCAPE FROM CHILDHOOD*, N.Y.: E.P. Dutton & Co., Inc., 1974.

Considers young people's place, or lack of place, in modern society — the institution of modern childhood. Being a "child," wholly subservient and dependent, regarded by older people as an expensive nuisance and slave, does most young people more

harm than good. Rights, privileges, duties and responsibilities of adult citizens should be made available to any young person, of whatever age, who wants to make use of them.

James, Howard, *CHILDREN IN TROUBLE: A NATIONAL SCANDAL*, N.Y.: David McKay Co., Inc., 1970.

Focuses on specific individual cases of juveniles in institutions, rather than statistics, emphasizing that we must take into account all factors involving the juvenile offender – family, schools, and so on. Deals with the issue of what the juvenile delinquency problem is really about with suggestions for meeting the problem.

Katz, Sanford N., ed., *THE YOUNGEST MINORITY: LAWYERS IN DEFENSE OF CHILDREN*, American Bar Association Section of Family Law, 1974.

A series of articles reprinted from the *FAMILY LAW QUARTERLY* dealing with some of the ways in which children have been victimized by obsolete laws enacted for societies and times vastly different from ours. Suggests means by which the resulting discriminations and injustices may be eliminated.

Konopka, Gisela, with Center for Youth Development and Research staff, "Requirements for Healthy Development of Adolescent Youth," *ADOLESCENCE*, Vol. 8, No. 31, Fall 1973.

A statement of the Center's concept of normal adolescence and the necessary conditions for healthy development of youth. Outlines the rights which are most basic to young people's healthy development. Written at the request of the Office of Child Development of the U.S. Dept. of Health, Education and Welfare.

Mayer, Goetz and James C. Pearon, "Social Control in the Treatment of Adolescents in Residential Care: A Dilemma," *CHILD WELFARE*, Vol. LIV, No. 4, April 1975, pp. 246-256.

Discusses the situation of the clinician treating adolescents in residential care. Complex problems

arise concerning the rights of the patient to control his own mind and body versus the rights of others involved, and the requisites of effective treatment.

Satir, Virginia, *PEOPLEMAKING*, Palo Alto, California: Science and Behavior Books, Inc., 1972.

Presents the concepts of self-worth, communication, rules, and linking to society as the keys to help families develop their potential as human beings more fully. Steps to becoming a less troubled and more nurturing family are illuminated through case histories, anecdotes and effective series of "communication games."

Wald, Pat, "Making Sense Out of the Rights of Youth," *CENTER QUARTERLY FOCUS*, Center for Youth Development and Research, University of Minnesota, Winter 1975.

Deals with the rights of youth, both legal and moral, from the perspective of history and the unanswered questions of today. Taken from the initial seminar of this year's series.

Williams, Junious and Charles B. Vergon, *STUDENTS' RIGHTS AND RESPONSIBILITIES: A LEGAL-EDUCATIONAL BIBLIOGRAPHY*, Program for Educational Opportunity, Ann Arbor, Michigan; Saginaw Student Rights Center, Saginaw, Michigan, 1975.

A bibliography intended to assist educators and attorneys in locating the information necessary to make informed and knowledgeable decisions in the area of student rights and responsibilities. Contains a representative sampling of the legal, educational and general literature in the area.

The Center for Youth Development and Research under the College of Home Economics at the University of Minnesota provides an interdisciplinary focus in research, teaching and work with youth.

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53

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